

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 15-31376-WRS
Chapter 7

CURTIS LARRY SUMMERLIN,

Debtor

USAMERIBANK,

Plaintiff

Adv. Pro. No. 15-3086-WRS

v.

CURTIS LARRY SUMMERLIN,

Defendant

MEMORANDUM DECISION

This Adversary Proceeding came before the Court for hearing on the Plaintiff's Motion for Default Judgment (Doc. 11), on November 3, 2015. The Plaintiff was present by counsel Daniel D. Sparks; also present was Susan S. DePaola, the Chapter 7 Trustee in the underlying bankruptcy case. Defendant Curtis Larry Summerlin did not appear, nor has he filed an answer to the complaint.

The Plaintiff has a money judgment against the Defendant, in the amount of \$829,297.94, arising out of a civil action in the Circuit Court of Elmore County, Alabama, styled USAmeribank v. Summerlin Construction Co., Inc., Larry C. Summerlin and Sandra Summerlin, under Case No. CV-2014-900235. On August 25, 2015, the Plaintiff filed a timely complaint seeking a determination that the indebtedness was excepted from discharge pursuant to 11 U.S.C.

§ 523(a)(2) and further seeking a denial of discharge pursuant to 11 U.S.C. § 727(c). It appears that service is proper and that the Defendant has not answered or appeared and that judgment by default is appropriate.

The Court heard from Chapter 7 Trustee Susan S. DePaola who has filed a separate Adversary Proceeding against the Defendant, pursuant to Adversary Proceeding No. 15-3088. The Defendant has not answered or appeared in that Adversary Proceeding either. As the Court is entering judgment by default in this Adversary Proceeding, denying the Defendant a discharge, Adversary Proceeding 15-3088 may be dismissed as moot.

The Court will enter appropriate forms for judgment and an order of dismissal by way of separate documents.

Done this 5th day of November, 2015.

A handwritten signature in black ink, appearing to read "William R. DePaola".

United States Bankruptcy Judge

c: Daniel D. Sparks, Attorney for Plaintiff
Curtis Larry Summerlin